
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

Billy Lambert, et al.,

Plaintiffs,

versus

City of Houston,

Defendant.

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Civil Action H-07-2480

Opinion on Summary Judgment

1. *Background.*

The plaintiffs have worked on ambulances for the city. They have sued to recover overtime wages for between 40 and 46.7 hours per week during 1986 to 1999. In 1999, the Fair Labor Standards Act was amended to define firefighter more broadly, ending thirteen years of statutory error.

2. *Limitations.*

The parties presented numerous arguments on their cross-motions for summary judgment. Actions for violations of the Fair Labor Standards Act must be brought within two years or three years if the violation was willful. 29 U.S.C. §255(a). The plaintiffs filed suit approximately seven and one-half years after the latest that they could have been underpaid. Their claim is too late.


3. *Res Judicata.*

Billy Thompson's claim is additionally barred by *res judicata*. In 2004, his same claim was dismissed with prejudice in *Vela v. City of Houston*.

4. *Conclusion.*

The plaintiffs will take nothing from the City of Houston.

Signed on May 26, 2010, at Houston, Texas.

A handwritten signature in black ink, appearing to read 'L. N. Hughes', is written over a horizontal line.

Lynn N. Hughes
United States District Judge